

BOARD OF SUPERVISORS

MINUTES

February 28, 2007

Supervisors in Attendance:

Mr. Kelly E. Miller, Chairman
Mrs. Renny B. Humphrey, Vice Chrm.
Mr. R. M. "Dickie" King, Jr.
Mr. Donald D. Sowder
Mr. Arthur S. Warren

Mr. Lane B. Ramsey
County Administrator

Staff in Attendance:

Colonel Carl R. Baker,
Police Department
Mr. Allan Carmody, Dir.,
Budget and Management
Mr. Joe Campbell, Dir.,
Juvenile Detention Home
Ms. Jana Carter, Dir.,
Juvenile Services
Ms. Marilyn Cole, Asst.
County Administrator
Mr. Roy Covington, Dir.,
Utilities
Ms. Mary Ann Curtin, Dir.,
Intergovtl. Relations
Mr. Jonathan Davis, Dir.,
Real Estate Assessments
Ms. Rebecca Dickson, Dep.
County Administrator for
Human Services
Ms. Deborah Dugger, Dir.,
Youth Group Home
Mr. Robert Eanes, Asst. to
the County Administrator
Ms. Lisa Elko, CMC,
Clerk
Ms. Karla Gerner, Dir.,
Human Resource Mgmt.
Mr. Michael Golden, Dir.,
Parks and Recreation
Mr. John W. Harmon,
Right-of-Way Manager
Mr. Russell Harris, Mgr.
of Community Development
Services
Mr. Joe Horbal,
Commissioner of Revenue
Mr. H. Edward James,
Dir., Purchasing
Mr. Donald Kappel, Dir.,
Public Affairs
Mr. Michael Likins,
Coop. Extension Director
Ms. Mary Lou Lyle, Dir.,
Accounting
Mr. Mike Mabe, Dir.,
Libraries
Chief Paul Mauger,
Fire Department
Mr. R. John McCracken,
Dir., Transportation
Mr. Richard M. McElfish,
Dir., Env. Engineering

Mr. Steven L. Micas,
County Attorney
Dr. William Nelson,
Dir., Health Dept.
Ms. Diane Peterson,
Senior Advocate
Mr. Glen Peterson, Dir.,
Community Diversion
Incentive Program
Mr. Francis Pitaro, Dir.,
General Services
Sheriff Dennis Proffitt,
Sheriff's Department
Ms. Karen Reilly, Admin.,
Interagency Services
Ms. Sarah Snead, Dir.,
Social Services
Mr. Gary Southard, Strat.
Mgr., Mental Health/
Mental Retard./Substance
Abuse Services
Mr. M. D. Stith, Jr.,
Deputy Co. Admin.,
Community Development
Mr. Kirk Turner, Dir.,
Planning

Mr. Miller called the regularly scheduled meeting to order at 3:07 p.m.

1. APPROVAL OF MINUTES FOR FEBRUARY 14, 2007

On motion of Mrs. Humphrey, seconded by Mr. Sowder, the Board approved the minutes of February 14, 2007, as submitted.

Ayes: Miller, Humphrey, King, Sowder and Warren.
Nays: None.

2. COUNTY ADMINISTRATOR'S COMMENTS

2.A. PRESENTATION OF THE REACCREDITATION CERTIFICATE TO THE SHERIFF'S OFFICE

Mr. Ramsey introduced Mr. Gary Dillon, Manager of the Virginia Accreditation Program at the Department of Criminal Justice Services.

Mr. Dillon introduced New Kent County Sheriff F. W. Howard, member of the Accreditation Governing Board, and Lt. Wayne Garrett, Accreditation Manager for the Sheriff's Office. He provided details of the criteria required for accreditation of law enforcement agencies. He stated the reaccreditation of the Chesterfield Sheriff's Office distinguishes their commitment to professionalism and their willingness to be compared to the best in the profession. He commended Sheriff Proffitt and Lt. Garrett for their efforts in completing the process.

Sheriff Howard presented the Virginia Law Enforcement Professional Standards Commission certificate of

reaccreditation to Sheriff Proffitt and congratulated him on this tremendous accomplishment.

Sheriff Proffitt thanked the Board for its support of the Sheriff's Office and also expressed appreciation to the deputies for their professionalism.

2.B. LEGISLATIVE UPDATE

Ms. Curtin provided an update on General Assembly activities. She stated the transportation package that was adopted in the last hours of the session consisted of three land use provisions: 1) specific counties, including Chesterfield, would be required by 2011 to develop an urban development area in their comprehensive plans; 2) certain localities, including Chesterfield, would be allowed to create transportation service districts and would be required to assume maintenance of roads within those service districts; and 3) localities that chose to create transportation service districts would have the ability to adopt an impact fee ordinance, but only on agriculturally zoned property outside the Urban Transportation Service District. She noted that Northern Virginia localities that created urban transportation service districts would receive impact fee authority for all public infrastructure; however, Chesterfield's impact fee authority would be restricted to only transportation infrastructure. She stated the localities that created the service districts would receive urban maintenance allocation payments from the Virginia Department of Transportation for each street within the district, but cautioned the Board that VDOT's maintenance funding has not increased over the past several years and would be subject to appropriation every year. She further stated the final version of the bill did not include the provisions regarding devolving responsibility for subdivision roads to counties, and the state would maintain new subdivision roads as long as they meet VDOT's new standards, which will be developed over the next year. She stated a \$2.5 billion bond authority was approved, but the projects that will be included in the debt issuance have not been specified. She further stated funds were allocated for both transportation maintenance and transportation construction, noting that there is still an annual maintenance deficit. She stated House Bill 3109 relative to hunting died on the Senate floor and is no longer a concern for the county. She further stated the eminent domain bill that was adopted will be more restrictive for localities in using eminent domain for blighted situations. She stated staff will provide the Board with a final legislative report.

Discussion ensued relative to the amount of state funding for education that Chesterfield would receive and a Constitutional Amendment that would provide the ability for a Homestead Exemption.

In response to Mr. Miller's question, Ms. Curtin stated a Commission on Immigration was created to gather additional information relative to illegal immigrants.

Mr. Warren stated he is seeing more aggressive involvement in General Assembly activities on the part of local officials in protecting their citizens.

COUNTY ADMINISTRATOR'S ANNOUNCEMENT

Mr. Ramsey made the following statement:

I had intended to announce my pending retirement here today before this Board, and I wanted to do it here because I have such great respect for this Board; and after all, you are my employer, so I had an obligation to do it here. Unfortunately, the intent was leaked to the media, and I had no choice last week but to cooperate with the media or they were going to report it anyway. So, I apologize to you for the word getting out that way. So, I am here today officially announcing to you my intent to retire on or about the end of July, and Chairman Miller and Board members, here is my official letter to that effect. If the Board would indulge me for a moment, I'd like to make a few other comments. First of all, I'd say, as I look back over the nine Boards that I've had the pleasure to work with since I came here in 1972, and especially the five Boards that I've worked with as County Administrator, every single Board has worked extremely hard on behalf of the public, and I think we're very fortunate here in Chesterfield County for that, for the past 35 years, because that doesn't happen in every community. Every single Board has shown great respect for our staff and has recognized their accomplishments and their dedication to our community, and you may not realize this, but I believe it's one of the major reasons that we have the kind of qualified staff that we do here today, is that the way this Board of Supervisors treats our staff. This community is unlike any that I've ever seen or heard of. Certainly, our public here expects nothing but the best from our staff and from our elected officials, and at the same time, they're willing to participate and step up and be a part of making this community what it is. They participate in every aspect of our operations here. They're willing to serve on juries, and they're tough on crime. They're willing to be witnesses when they see a crime, and that along with the top-notch police department is why we have the safe community that we have here today and the Chief has the kind of clearance rate that he does. Let me just stop there and congratulate Chief Baker for his announcement, and we'll surely be recognizing that a lot over the next few months. But, we have our public that will volunteer at Lucy Corr. They coach our children in sports activities where in other communities very close to us, it's paid staff that does that. They serve on boards and commissions and study groups to improve our services, and I've only scratched the surface here. The point is that we live in a wonderful community where the public is willing to help us with anything that we do. We are also very fortunate to have the quality of staff that we have here in our organization, from firefighter to social service worker, to the planner, the accountant, and the 35 department directors that we have in this county. They're all professional and committed employees and work at the highest levels and have very high ethics and standards that they carry into their departments. We have leaders in this organization that get excited when they are allowed to take risks that propose new initiatives that can improve the services that we provide to the public. I'm probably most proud of the organizational development that we've been able to accomplish here which has allowed our organization to be efficient and effective and develop top-quality services for this community and the Board of Supervisors. As the Board

contemplates filling of the County Administrator's position over the next few months, I know it will be difficult, and it's particularly difficult in the face of an election year, as well. I appeal to you on several fronts, as you approach this responsibility, and I would just say in doing that that this Board and past Boards have never allowed politics or special interests to influence what you do in terms of hiring staff or allowing those interests to infiltrate into the organization. I want to personally thank each and every one of you for not allowing that to happen because we all know that we have a responsibility. Both you know, and the staff knows, that we have a responsibility to serve the entire community, not a few. So, I appeal to you to please not let politics or special interests or the media unduly influence you as you decide how to fill this position. I have full faith that this Board will do the right thing in that regard. The staff you have here will go above and beyond any expectations you have for you and this county. They appreciate the fact that they can focus on their work, and they don't have to worry about these other things. I've said before and think a colleague of mine has said it, too, that if you were to ask this staff and this county to pave the James River, they'd give it every effort to make that happen. In the time that I have left in this position, I want to assure the Board that I will work as hard for you as I ever have. In fact, I may work, will probably work harder. But, there are several things that I want to accomplish in addition to the day-to-day demands before I leave. Certainly, the budget completion is one of the things that we have to do, and that requires a lot of work. The County Charter also provides for a very specific process for filling the Chief of Police position, and I plan to bring that process forward to the Board at the next meeting to start that process, and I strongly recommend that we proceed with that process because in my opinion it's critical that we have a continuity of leadership, particularly in our police department. The Charter recognized that because there are special provisions in the Charter for filling the Police Chief's position. I'll work hard with you to implement the transportation initiatives if you chose to move those forward, and I think as we found from the General Assembly, we aren't going to see tremendous relief in our transportation needs. The Watkins Centre project is very important to the county's economic development effort and that project should break ground soon, and we will continue to work hard on that. The Cloverleaf Mall Project will be a priority with me over the next several months, and there are many more things that we will focus on. Just let me close by saying that it has been, and continues to be, a great honor to be County Administrator for one of the most dynamic communities in the country. You've allowed us to do progressive things in this organization that few local governments in the nation are doing, and I'm proud of this Board. I'm proud of our organization. I'm proud of this community, and I plan to stay right here in this community because there's not a better place to live anywhere in the country. Mr. Chairman, I will work hard with you as you may desire before or after I leave as you pursue my replacement in this position, and I thank you for the time.

Mr. Miller expressed appreciation to Mr. Ramsey for all that he has done, and continues to do, for the citizens of Chesterfield County. He stated he has spent the better part

of his adult life working with government organizations, and he has never seen an administrator who is more competent, sincere and committed than Mr. Ramsey.

Mr. Sowder stated, as the newest member of the Board, he has observed the quality of county staff starting with the County Administrator. He thanked Mr. Ramsey and staff for making his transition into the Midlothian Supervisor position as easy and productive as possible.

Mrs. Humphrey wished Mr. Ramsey well and stated she will have many things to say to him over the course of the next several months.

3. BOARD MEMBER REPORTS

Mr. Miller expressed concerns relative to the increase of illegal immigrants in the country, as well as failure by the federal and state governments to deal with this issue. He stated last year at this time, he directed staff to provide the Board with a report regarding the status of county services provided to illegal immigrants. He stated the report received by the Board in August 2006 provided background information, but very little detail in estimating the number of illegal immigrants the county is serving and the cost to the serve them. He requested that staff provide, by April 30, 2007, a more comprehensive report outlining an updated estimate, where possible, of each department or agency's cost of serving illegal immigrants. He further requested a legal opinion from the County Attorney as to whether the county can take such local actions as amending contracts to include language that the county will not contract with anyone unless they agree not to hire illegal immigrants and that they will validate this and any options the county might have regarding housing in terms of occupancy restrictions. He also requested an opinion from the schools' attorney regarding the ability of schools to furnish information about the number of illegals being served. He then asked for an update on the actions the county is currently taking to address the issue of illegal immigrants, particularly at the jail, and the cost of housing illegals in our jail system. He requested that the Commonwealth Attorney cooperate in providing the number of prosecutions in the past year involving illegal immigrants and for what crimes, and the cost to prosecute those actions. He stated the county needs to have a better demographic understanding of where the illegal immigrants in the county are coming from. He stated he hopes the Board will join him in directing staff to provide this information.

Mr. Miller then made a motion, seconded by Mr. King, for staff to provide the Board with information relative to illegal immigrants outlined in Mr. Miller's comments above.

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

4. REQUESTS TO POSTPONE AGENDA ITEMS AND ADDITIONS, OR CHANGES IN THE ORDER OF PRESENTATION

On motion of Mr. King, seconded by Mr. Miller, the Board added Item 8.B.17., Approval to Install Cable Across County Property for the Hull Street Road Widening Project; added Item 10.A., Closed Session Pursuant to Section 2.2-3711(A)(1), Code of Virginia, 1950, as Amended, to Discuss the Performance of Specific Employees of the County in Order to Evaluate Their Qualifications for Appointment to a Specific Position by the Board; and adopted the Agenda, as amended.

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

5. RESOLUTIONS

There were no resolutions at this time.

6. WORK SESSIONS

O THE COUNTY ADMINISTRATOR'S FY2008 PROPOSED AMENDED BUDGET INCLUDING PRESENTATIONS FROM THE HUMAN SERVICES DIVISION AND THE SOCIAL SERVICES BOARD

HUMAN SERVICES DIVISION

Ms. Dickson provided an overview of the Human Services Division's FY2008 Proposed Budget. She stated the Human Services Division had 5.7 million citizen contacts last year. She reviewed numerous accomplishments in Human Services and stated the Human Services System supports every county priority and strategic goal. She provided details of various Human Services programs and initiatives that support the priorities of education, recreation, public safety, health/welfare, and economic development. She also provided interesting facts relative to the number of citizens served by Human Services departments. She reviewed the composition of the Human Services Division's expenditures and the percentage of increase in demand for services from FY02-FY06. She stated the overall Human Services FY2008 Proposed Budget totals \$100,565,100, which represents an 8.7 percent increase over the FY2007 budget. She reviewed overall proposed budget funding included by initiative; Community Corrections Services program cost comparison versus Riverside Regional Jail housing; Day Reporting Center cost avoidance; Comprehensive Services comparisons of average lengths of stay; Adult Drug Court new conviction rate successes; criminal and domestic intake rates from FY97 through FY06; Court Service Unit performance targets; and Food Stamp Cases from FY02-FY06. She provided details of the Human Services Division 2006 Employee Satisfaction Index. She reviewed various divisional challenges, including increased CSB psychiatric services caseload; Public Library circulation per capita versus Library Services materials expenditure per capita; increased communicable diseases reported by the Health Department; increased investigation time for disease outbreaks; declining youth sports participation in certain sports associations; and increased number of Medicaid enrollees and food stamp cases. She reviewed additional

funding requests to address the challenges. She provided details of the Human Services Division's focus for the future.

Mr. Miller thanked Ms. Dickson for the informative presentation.

SOCIAL SERVICES BOARD

Ms. Dickson introduced Ms. Snead, who called forward Mrs. Liz Welchons, Chair of the Social Services Board, to begin the Social Services presentation.

Mrs. Welchons expressed appreciation to the Board for their support. She introduced members of the Social Services Board, who were present at the meeting. She called forward Social Services Board member, Reverend Dr. Johnnie Fleming to provide details of the proposed FY2008 budget for the Social Services Department.

Reverend Fleming discussed agency-wide successes, including continuing to meet deadlines and state/federal mandates even with increased workloads; excelling in the area of foster care and adoptive parent training; meeting the changing needs of the citizens of Chesterfield County and the City of Colonial Heights; and increased awareness among the Hispanic/Latino community. He provided information regarding Temporary Assistance for Needy Families (TANF) cases, Food Stamp cases, energy assistance fuel component applications, crisis component applications, cooling component applications and Medicaid enrollees for various fiscal years. He discussed agency challenges, including expansion of the current facility to improve workplace conditions; the need to reduce staff turnover from the FY06 record rate of 17 percent; the need to analyze and address staff salaries to maintain an exceptional workforce; the impact of TANF reauthorization and expansion of Welfare Reform Initiative; the need to continue to address changing community demographics; and an increased need for Mental Health services for older adults. He reviewed key initiatives of the proposed budget, including expansion and renovation of the Smith-Wagner Building through the Capital Improvement Program; salary study and implementation of recommendations; upgrade of the automation system; and continuing to excel in serving the citizens of Chesterfield County and Colonial Heights. He then reviewed additional funding requests, including upgrading a Social Worker Aide position to a Social Worker; a Secretary for the Child Protective Services Team; a Bi-Lingual Interpreter; a Senior Mental Health Clinician; and a Training Coordinator/Special Projects Manager. He thanked the Board for its continued support and stated it is an honor to serve the citizens of Chesterfield and Colonial Heights.

Discussion ensued relative to the percentage of citizens who pay for immunizations versus the percentage who receive them at no cost and to the criteria that determines whether immunizations are provided at no cost.

Mrs. Humphrey expressed concerns relative to the continuing need for clinicians and suggested that staff explore the possibility of working with medical admissions administrators at Virginia Commonwealth University to allow the county to

provide assistance with student loans in exchange for guaranteeing the county a number of years of service.

Mr. Miller expressed appreciation to Ms. Snead and Reverend Fleming for the presentation.

7. DEFERRED ITEMS

There were no deferred items at this time.

8. NEW BUSINESS

8.A. AUTHORIZATION TO ADVERTISE TAX RATES FOR THE PROPOSED FY2008 AMENDED BUDGET AND SET PUBLIC HEARINGS

Mr. Carmody stated the Board is being requested to advertise tax rates for the calendar year 2007, the proposed FY2008 Amended Budget, proposed FY2008-FY2012 Capital Improvement Program, Proposed FY2008 Community Development Block Grant Program and other ordinance changes. He noted that the real estate tax rate to be advertised is \$0.99, as directed by the Board, which will give the Board flexibility to adopt something lower if they choose to do so.

Discussion ensued relative to the tax rate necessary to remain revenue neutral.

Mr. Miller expressed concerns relative to the impact of increased assessments on citizens and stated the Board really needs to carefully examine the tax rate. He further stated he would prefer a tax rate somewhere between \$0.95 and \$0.98 and requested that the Board consider the possibility of decreasing the real estate tax beyond the proposed \$0.99 rate. He stated he had also inquired about an option to defer the increase in real estate taxes for senior citizens, and has learned that there may be limitations with this and that it could not be imposed until 2008. He further stated he had thought this would be doing a good service for senior citizens, but he has now heard some negatives regarding the proposal. He requested that staff continue to explore the option of real estate tax deferral and report back to Board in more detail regarding what actions might be possible.

Mr. King stated he agrees that all options available must be looked at for reducing the tax rate, but the Board needs to be cognizant of the impact of the reduced tax rate on the schools' budget.

Mr. Sowder encouraged the Board to increase the exemptions and the net worth cap in the county's Tax Relief for the Elderly program.

In response to Mr. Sowder's question, Mr. Carmody stated based on the \$0.99 tax rate, the county would receive an additional \$37 million in real estate tax revenues in FY08 from FY07. He noted the county shares that revenue with the school system, which receives approximately two-thirds of the revenue. He stated the revenues proposed in FY08 for the General Fund represents approximately a 10 percent increase over FY07.

Mr. Sowder expressed concerns that very few citizens in the county received a 10 percent increase in salary or income.

Mr. Miller suggested that the Board authorize advertising the tax rate at \$0.99 with the understanding that staff will explore the possibility of whether or not the Board can further decrease the rate.

Mr. King made a motion, seconded by Mr. Miller, for the Board to authorize the advertisement of tax rates, including a \$0.99 real estate tax rate; the proposed FY2008 Amended Budget; the proposed FY2008-FY2012 Capital Improvement Program; the proposed FY2008 Community Development Block Grant Program; and other ordinance changes.

Discussion ensued relative to the percentage of growth in both the county and schools' budgets.

Mr. Ramsey noted that one cent of the \$0.99 tax rate is proposed to address transportation issues.

Mr. Miller then called for a vote on the motion of Mr. King, seconded by Mr. Miller, for the Board to authorize the advertisement of tax rates, including a \$0.99 real estate tax rate; the proposed FY2008 Amended Budget; the proposed FY2008-FY2012 Capital Improvement Program; the proposed FY2008 Community Development Block Grant Program; and other ordinance changes.

And, further, the Board set the date of March 28, 2007 beginning at 6:30 p.m. for public hearings to consider these items.

Ayes: Miller, Humphrey, King, Sowder and Warren.
Nays: None.

Mr. Miller excused himself from the meeting.

8.B. CONSENT ITEMS

On motion of Mr. King, seconded by Mrs. Humphrey, the Board removed Item 8.B.17., Approval to Install Cable Across County Property for the Hull Street Road Widening Project, from the Consent Agenda for public comment.

Ayes: Miller, Humphrey, King, Sowder and Warren.
Nays: None.

Mr. Miller returned to the meeting.

8.B.1. SET DATES FOR PUBLIC HEARINGS

8.B.1.a. TO APPROPRIATE ADDITIONAL FUNDS FOR THE DEPARTMENT OF SOCIAL SERVICES

On motion of Mrs. Humphrey, seconded by Mr. King, the Board set the date of March 14, 2007 at 6:30 p.m. for a public hearing for the Board to consider appropriating \$667,518 in additional federal and state funds received from the State Department of Social Services.

Ayes: Miller, Humphrey, King, Sowder and Warren.
Nays: None.

**8.B.1.b. TO CONSIDER A PROPOSED AMENDMENT TO THE ORDINANCE
CREATING THE WATKINS CENTRE COMMUNITY DEVELOPMENT
AUTHORITY AND PROPOSED AMENDMENT TO THE ORDINANCE
ESTABLISHING A SPECIAL ASSESSMENT**

On motion of Mrs. Humphrey, seconded by Mr. King, the Board set the date of March 14, 2007 at 6:30 p.m. for a public hearing for the Board to consider 1) adoption of a proposed amendment to the ordinance creating the Watkins Centre Community Development Authority, and 2) adoption of a proposed amendment to the ordinance establishing a special assessment for the Watkins Centre Community Development Authority.

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

**8.B.1.c. TO CONSIDER THE RESTRICTION OF THROUGH TRUCK
TRAFFIC ON WOODLAKE VILLAGE PARKWAY, LAKEBLUFF
PARKWAY, AND TIMBER BLUFF PARKWAY**

On motion of Mrs. Humphrey, seconded by Mr. King, the Board set the date of March 14, 2007 at 6:30 p.m. for a public hearing for the Board to consider the restriction of through truck traffic on Woodlake Village Parkway, Lakebluff Parkway and Timber Bluff Parkway from Hull Street Road to Woolridge Road.

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

8.B.2. AMENDMENT TO THE BOARD MINUTES OF JULY 26, 2006

On motion of Mrs. Humphrey, seconded by Mr. King, the Board amended the minutes of July 26, 2006 to reflect a corrected street name in the state road acceptance resolution for Millcrest at Brandermill as follows:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, Secondary System, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Millcrest at Brandermill**

● **Millcrest Lane, State Route Number: 7076**

From: Watermill Py., (Rt. 5583)

To: Millcrest Tr., (Rt. 7077), a distance of: 0.04 miles.

Right-of-way record was filed on 12/7/2004 with the Office Of Clerk To Circuit Court in Pb. 149 Pg. 83,

with a width of 50 feet

● **Millcrest Terrace, State Route Number: 7077**

From: Millcrest Ln., (Rt. 7076)

To: Cul-de-sac, a distance of: 0.10 miles.

Right-of-way record was filed on 12/7/2004 with the Office Of Clerk To Circuit Court in Pb. 149 Pg. 83,

with a width of 45 feet

● **Millcrest Terrace, State Route Number: 7077**

From: Millcrest Ln., (Rt. 7076)

To: 0.14 mi. N of Millcrest Ln., (Rt. 7076), a distance of: 0.14 miles.

Right-of-way record was filed on 12/7/2004 with the Office Of Clerk To Circuit Court in Pb. 149 Pg. 83,

with a width of 45 feet

● **Millcrest Terrace, State Route Number: 7077**

From: 0.14 mi. N of Millcrest Ln., (Rt. 7076)

To: 0.19 mi. N of Millcrest Ln., (Rt. 7076), a distance of: 0.05 miles.

Right-of-way record was filed on 12/7/2004 with the Office Of Clerk To Circuit Court in Pb. 149 Pg. 83,

with a variable width

● **Millcrest Terrace, State Route Number: 7077**

From: 0.19 mi. N of Millcrest Ln., (Rt. 7076)

To: Cul-de-sac, a distance of: 0.07 miles.

Right-of-way record was filed on 12/7/2004 with the Office Of Clerk To Circuit Court in Pb. 149 Pg. 83,

with a width of 45 feet

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

8.B.3. AMENDMENT OF THE CONTRACT TO ACCESS NEW RADIO
CHANNELS FOR THE REGION WITH ALCATEL USA MARKETING
INCORPORATED

On motion of Mrs. Humphrey, seconded by Mr. King, the Board authorized the County Administrator to amend a contract with Alcatel USA Marketing Incorporated on behalf of the USAI region in the amount of \$32,673.31 to extend the maintenance agreement from three years to five years on two microwave

spurs that will link Goochland and Hanover counties to the existing Capital Region microwave network, Chesterfield, Richmond and Henrico. (It is noted that funding for the project is available in the Regional Urban Area Security Initiative Grant, and Chesterfield County is the lead agency for the regional UASI Grant to include all fiscal disbursements.)

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

**8.B.4. ADOPTION OF RESOLUTION RECOGNIZING MR. SHAWN TAYLOR
CARNEY AND MR. TAYLOR ALEXANDER SCHUMAKER UPON
ATTAINING RANK OF EAGLE SCOUT**

On motion of Mrs. Humphrey, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and outdoor life, serving in a leadership position in a troop, carrying out a service project beneficial to their community, being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law

Mr. Shawn Taylor Carney and Mr. Taylor Alexander Schumaker, both of Troop 874, sponsored by Saint Luke's United Methodist Church have accomplished those high standards of commitment and have reached the long-sought goal of Eagle Scout which is received by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through their experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare themselves for roles as leaders in society, Shawn and Taylor have distinguished themselves as members of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors hereby extends its congratulations to Mr. Shawn Taylor Carney and Mr. Taylor Alexander Schumaker, and acknowledges the good fortune of the county to have such outstanding young men as its citizens.

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

**8.B.5. APPROVAL OF SEWER CONTRACT FOR THE MAGNOLIA GREEN
OFFSITE SANITARY SEWER PROJECT**

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved the following sewer contract for Magnolia Green Offsite Sanitary Sewer, Contract Number 00-0383:

Developer: Magnolia Green Development LLC

Contractor: G. L. Howard, Inc.

Contract Amount:
Estimated County Cost for Offsite . . . \$110,849.75
Estimated County Cost for Oversizing. . \$159,776.70
Estimated Developer Cost. \$1,257,541.05
Estimated Total \$1,528,167.50

Code: (Refunds thru Connections - Offsite) 5N-572VO-E4D
(Refunds thru Connections - Oversizing) 5N-572VO-E4C

District: Matoaca

(It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Miller, Humphrey, King, Sowder and Warren.
Nays: None.

**8.B.6. APPROVAL OF WATER CONTRACT FOR THE MAGNOLIA GREEN
OFFSITE WATER LINE PROJECT**

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved the following water contract for Magnolia Green Offsite Water Line, Contract Number 00-0384:

Developer: Magnolia Green Development LLC

Contractor: G. L. Howard, Inc.

Contract Amount:
Estimated County Cost for Offsite \$91,794.00
Estimated Developer Cost. \$298,263.00
Estimated Total \$390,057.00

Code: (Refunds thru Connections - Offsite) 5B-572VO-E4D

District: Matoaca

(It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Miller, Humphrey, King, Sowder and Warren.
Nays: None.

**8.B.7. APPROVAL OF UTILITY CONTRACT FOR MAGNOLIA GREEN,
SECTION A PROJECT**

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved the following utility contract for Magnolia Green, Section A, Contract Number 02-0015:

Developer: Magnolia Green Development LLC

Contractor: R. J. Smith Construction, Inc.

Contract Amount:

Estimated County Cost for Oversizing . \$50,193.00
Estimated Developer Cost \$1,007.005.00
Estimated Total. \$1,056,198.00

Code: (Refunds thru Connections - Oversizing) 5N-572VO-E4C

(It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

8.B.8. APPROVAL OF CHANGES IN THE SECONDARY SYSTEM OF STATE HIGHWAYS

8.B.8.a. FOR CENTRE STREET

On motion of Mrs. Humphrey, seconded by Mr. King, the Board adopted the following resolution for changes in the Secondary System of Highways:

WHEREAS, a sketch has been prepared for the Board of Supervisors which depicts an abandonment required in the secondary system of state highways as a result of the relocation of a portion of Centre Street, State Route 1513, which sketch is incorporated herein by reference; and,

WHEREAS, the portion of Centre Street, State Route 1513, identified to be abandoned no longer serves a public need; and,

WHEREAS, a portion of Centre Street has been relocated and serves the same citizens as the portion of Centre Street, State Route 1513, identified to be abandoned.

NOW THEREFORE, BE IT RESOLVED, the Board of Supervisors hereby orders the portion of road identified as segment A-B, Centre Street, State Route 1513, a distance of 0.04 miles, as shown on the incorporated sketch, abandoned as part of the secondary system of state highways, pursuant to §33.1-155, Code of Virginia; and,

BE IT FURTHER RESOLVED, that the Board of Supervisors does hereby request that the Commonwealth Transportation Commissioner certify, in writing, that the portion of Centre Street hereby abandoned is no longer deemed necessary for uses of the secondary system of state highways pursuant to §33.1-154 of the Code of Virginia, 1950, as amended.

(It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

8.B.8.b. FOR HENSLEY ROAD AND SPRINGFORD PARKWAY

On motion of Mrs. Humphrey, seconded by Mr. King, the Board adopted the following resolution for changes in the Secondary System of State Highways:

WHEREAS, a sketch has been prepared for the Board of Supervisors which depicts a discontinuance required in the secondary system of state highways as a result of the construction of a portion of Springford Parkway, State Route 5717, which sketch is incorporated herein by reference; and,

WHEREAS, Hensley Road, State Route 659, from Springford Parkway, State Route 5717, to 0.10 miles east of Springford Parkway, State Route 5717, a distance of 0.10 miles, appears to no longer serve public convenience warranting its maintenance at public expense and should be discontinued as a part of the Secondary System of State Highways; and,

WHEREAS, there are public drainage facilities within the portion of Hensley Road, State Route 659, identified to be discontinued, that do warrant maintenance at public expense.

NOW, THEREFORE, BE IT RESOLVED: The Virginia Department of Transportation is hereby requested to take the necessary action to discontinue, except for maintenance of drainage facilities, the aforesaid portion of Hensley Road, State Route 659, as a part of the Secondary System of State Highways, pursuant to Section 33.1-150, of the Code of Virginia, 1950, as amended.

Type Change to the Secondary System of State Highways: Discontinuance

Basis for Change: **Developer project**

Statutory Reference: **§33.1-150**

- **Hensley Road, State Route Number: 659**

From: Springford Parkway (Rt. 5717)

To: 0.10 Mi. E on Hensley Rd., (Rt. 659), a distance of: 0.10 miles.

AND WHEREAS, the street described below is shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street meets the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the street described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: Addition

Basis for Change: Developer relocated VDOT roadway

Statutory Reference: §33.1-229

Project: North Hensley Road Extension

- **Springford Parkway, State Route Number: 5717**

From: Hensley Rd., (Rt. 659)

To: 0.64 Mi. NE Springford Pkwy., (Rt. 5717), a distance of: 0.64 miles.

Right of Way Record: Filed on 6/2/1994 in the Office of Clerk to Circuit Court, with a width of 90 ft.
Recordation Reference: Db. 2539 Pg. 253
Filed on 11/4/1998 in the Office of Clerk to Circuit Court, with a width of 90 ft.
Recordation Reference: Db. 3417 Pg. 207
Filed on 7/8/2002 in the Office of Clerk to Circuit Court, with a width of 90 ft.
Recordation Reference: Db. 4595 Pg. 136
Filed on 6/15/2003 in the Office of Clerk to Circuit Court, with a width of 90 ft.
Recordation Reference: Db. 5222 Pg. 398
Filed on 6/20/2003 in the Office of Clerk to Circuit Court, with a width of 90 ft.
Recordation Reference: Db. 5169 Pg. 325
Filed on 6/30/2003 in the Office of Clerk to Circuit Court, with a width of 90 ft.
Recordation Reference: Db. 5193 Pg. 723

(It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

8.B.9. APPROVAL OF THE PURCHASE OF A PARCEL OF LAND FOR HARROWGATE ROAD FIRE/EMERGENCY MEDICAL SERVICES STATION

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved the purchase of a parcel of land containing 5.8 acres, more or less, for \$270,000.00, from the Trustees for the Colonial Heights Assembly of God Church, for the Harrowgate Road Fire/EMS Station; authorized the County Administrator to execute the sales contract and deed; and appointed Mr. Frank Edwards, Second Deputy Chief, Fire and EMS, as the Board's agent for the conditional use application. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

8.B.10. DESIGNATION OF VIRGINIA DEPARTMENT OF TRANSPORTATION SLOPE AND DRAINAGE EASEMENTS FOR PROPOSED HARROW DRIVE

On motion of Mrs. Humphrey, seconded by Mr. King, the Board designated Virginia Department of Transportation slope and drainage easements for proposed Harrow Drive, and authorized the County Administrator to execute the Declaration. (It is noted copies of the plats are filed with the papers of this Board.)

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

**8.B.11. REQUEST TO QUITCLAIM A SIXTEEN-FOOT SEWER EASEMENT
ACROSS THE PROPERTY OF FOREST LAKE ASSOCIATES, LLC**

On motion of Mrs. Humphrey, seconded by Mr. King, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate a 16-foot sewer easement across the property of the Forest Lake Associates, LLC. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

8.B.12. ACCEPTANCE OF PARCELS OF LAND

**8.B.12.a. ALONG THE WEST RIGHT OF WAY LINE OF WATKINS CENTRE
PARKWAY FROM VILLAGE BANK AND TRUST FINANCIAL
CORPORATION**

On motion of Mrs. Humphrey, seconded by Mr. King, the Board accepted the conveyance of a parcel of land containing 0.122 acres along the west right of way line of Watkins Centre Parkway from Village Bank and Trust Financial Corporation, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

**8.B.12.b. ALONG THE NORTH RIGHT OF WAY LINE OF IRONBRIDGE
ROAD FROM GEORGEANNA M. LYNE AND GEORGEANNA M.
LYNE, TRUSTEE**

On motion of Mrs. Humphrey, seconded by Mr. King, the Board accepted the conveyance of two parcels of land containing a total of 0.10 acres along the north right of way line of Ironbridge Road (State Route 10) from Georgeanna M. Lyne and Georgeanna M. Lyne, Trustee, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

**8.B.12.c. ALONG THE WEST RIGHT OF WAY LINE OF JEFFERSON
DAVIS HIGHWAY FROM FOREST LAKE ASSOCIATES, LLC**

On motion of Mrs. Humphrey, seconded by Mr. King, the Board accepted the conveyance of three parcels of land containing a total of 0.155 acres along the west right of way line of Jefferson Davis Highway (US Route 301) from Forest Lake Associates, LLC, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

8.B.12.d. FROM RAMBLEWOOD FOREST, LLC

On motion of Mrs. Humphrey, seconded by Mr. King, the Board accepted the conveyance of a parcel of land containing 11.76 acres for a park site for Ramblewood Forest, LLC, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

8.B.13. REQUESTS FOR PERMISSION

8.B.13.a. FROM T-C BUILDERS, INCORPORATED TO INSTALL A PRIVATE WATER SERVICE WITHIN A PRIVATE EASEMENT TO SERVE PROPERTY AT 7662 FLAGLER ROAD

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved a request from T-C Builders, Incorporated for permission to install a private water service within a private easement to serve property at 7662 Flagler Road, and authorized the County Administrator to execute the water connection agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

8.B.13.b. FROM JEFFREY F. AND LAUREN B. PITRAK FOR A PROPOSED WOODEN PICKET FENCE TO ENCROACH WITHIN AN EIGHT-FOOT DRAINAGE EASEMENT ACROSS LOT 16, ARMISTEAD VILLAGE, SECTION A AT CHARTER COLONY

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved a request from Jeffrey F. Pitrak and Lauren B. Pitrak for permission for a proposed wooden picket fence to encroach four feet into an eight-foot drainage easement across Lot 16, Armistead Village, Section A at Charter Colony, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

8.B.13.c. FROM JONATHAN RAGSDALE, PHILLIP JOHNSON AND FLOYD HARVEY, TRUSTEES OF CRESCENT PARK CONGREGATION OF JEHOVAH'S WITNESSES TO INSTALL A PRIVATE SEWER SERVICE WITHIN A PRIVATE EASEMENT TO SERVE PROPERTY AT 2730 NORMANDALE AVENUE

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved a request from Jonathan Ragsdale, Phillip Johnson and Floyd Harvey, Trustees of Crescent Park Congregation of Jehovah's Witnesses for permission to install a private sewer service within a private easement to serve property at 2730 Normandale Road, and authorized the County Administrator to execute the sewer connection agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

8.B.13.d. FROM DENNIS P. MCLAUGHLIN AND BONNIE C. MCLAUGHLIN FOR A PROPOSED WOODEN PICKET FENCE TO ENCROACH WITHIN AN EIGHT-FOOT DRAINAGE EASEMENT, AN EIGHT-FOOT EASEMENT, AN EIGHT-FOOT WATER EASEMENT, AND AN EIGHT-FOOT WATER AND SEWER EASEMENT ACROSS LOT 63, TANNER VILLAGE, SECTION A AT CHARTER COLONY

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved a request from Dennis P. McLaughlin and Bonnie C. McLaughlin for permission for a proposed wooden picket fence to encroach within an eight-foot drainage easement, an eight-foot easement, an eight-foot water easement, and an eight-foot water and sewer easement across Lot 63, Tanner Village, Section A at Charter Colony, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

8.B.14. APPROPRIATION OF FUNDS IN FY2007 FROM THE VIRGINIA MENTAL HEALTH, MENTAL RETARDATION, AND SUBSTANCE ABUSE SERVICES DEPARTMENT FOR THE CHESTERFIELD COMMUNITY SERVICES BOARD FOR ADDITIONAL FUNDS FOR THE REGIONAL CRISIS STABILIZATION AND RESIDENTIAL TREATMENT PROGRAM

On motion of Mrs. Humphrey, seconded by Mr. King, the Board appropriated \$316,551 in revenue and expenditures for the Chesterfield Community Services Board, county department of Mental Health Support Services in connection with the Regional Crisis Stabilization and Residential Treatment Program.

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

8.B.15. APPROVE NAMING OF FOUR BIRD HIGH SCHOOL YOUTH SOFTBALL FIELDS AFTER MS. MILDRED BURRELL

Mrs. Humphrey requested that an item be brought forward at the next meeting to transfer funding from the Matoaca District Improvement Fund for a commemorative sign to be placed at the softball complex prior to the national softball championship tournament in July 2007.

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved renaming the four Bird High School Youth Softball Fields the "Mildred F. Burrell - Youth Softball Fields."

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

8.B.16. TRANSFER OF DISTRICT IMPROVEMENT FUNDS FROM THE MATOACA DISTRICT IMPROVEMENT FUND TO THE PARKS AND RECREATION DEPARTMENT TO PURCHASE EQUIPMENT FOR A LACROSSE PROGRAM IN THE O.B. GATES ELEMENTARY SCHOOL DISTRICT

On motion of Mrs. Humphrey, seconded by Mr. King, the Board transferred \$860 from the Matoaca District Improvement Fund

to the Parks and Recreation Department to purchase equipment for a lacrosse program in the O.B. Gates Elementary School district.

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

The following item was removed from the Consent Agenda for public comment:

8.B.17. APPROVAL TO INSTALL CABLE ACROSS COUNTY PROPERTY FOR THE HULL STREET ROAD WIDENING PROJECT

Mr. George Beadles expressed concerns that the agenda item and accompanying sketch did not provide specific details of which county properties AT&T would be installing cable across.

Mr. Harmon stated this issue was just brought to staff's attention yesterday by AT&T, who is waiting on this authority to move the cables. He further stated the cable is being installed across several pieces of property that have been dedicated to the county along Hull Street Road as a part of the widening project. He stated the agenda item was prepared generically to allow AT&T to move cable across all of the properties that have been acquired by the county for this project, if necessary.

No one else came forward to speak to the issue.

On motion of Mr. King, seconded by Mrs. Humphrey, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute license agreements with AT&T to install cable across county property for the Hull Street Road Widening Project. (It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

9. REPORTS

9.A. REPORT ON DEVELOPER WATER AND SEWER CONTRACTS

9.B. REPORT ON STATUS OF GENERAL FUND BALANCE, RESERVE FOR FUTURE CAPITAL PROJECTS, DISTRICT IMPROVEMENT FUNDS AND LEASE PURCHASES

On motion of Mrs. Humphrey, seconded by Mr. King, the Board accepted the following reports: a Report on Developer Water and Sewer Contracts; and a Report on the Status of General Fund Balance, Reserve for Future Capital Projects, District Improvement Funds and Lease Purchases.

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

10. FIFTEEN-MINUTE CITIZEN COMMENT PERIOD ON UNSCHEDULED MATTERS

Mr. Alan Francario expressed concerns relative to increased county expenditures and the impact of development along the Route 288 Corridor. He stated growth must pay its own way and suggested that the Board revisit the proposal to increase cash proffers.

10.A. CLOSED SESSION PURSUANT TO SECTION 2.2-3711(A)(1), CODE OF VIRGINIA, 1950, AS AMENDED, TO DISCUSS THE PERFORMANCE OF SPECIFIC EMPLOYEES OF THE COUNTY IN ORDER TO EVALUATE THEIR QUALIFICATIONS FOR APPOINTMENT TO A SPECIFIC POSITION BY THE BOARD

On motion of Mr. Sowder, seconded by Mr. King, the Board went into Closed Session pursuant to Section 2.2-3711(A)(1), Code of Virginia, 1950, as amended, to discuss the performance of specific employees of the county in order to evaluate their qualifications for appointment to a specific position by the Board.

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

Reconvening:

On motion of Mr. Warren, seconded by Mrs. Humphrey, the Board adopted the following resolution:

WHEREAS, the Board of Supervisors has this day adjourned into Closed Session in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act effective July 1, 1989 provides for certification that such Closed Session was conducted in conformity with law.

NOW, THEREFORE BE IT RESOLVED, the Board of Supervisors does hereby certify that to the best of each member's knowledge, i) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed in the Closed Session to which this certification applies, and

ii) only such public business matters as were identified in the Motion by which the Closed Session was convened were heard, discussed, or considered by the Board. No member dissents from this certification.

The Board being polled, the vote was as follows:

Mr. Sowder: Aye.
Mr. King: Aye.
Mr. Warren: Aye.
Mrs. Humphrey: Aye.
Mr. Miller: Aye.

11. DINNER

On motion of Mr. Miller, seconded by Mr. Sowder, the Board recessed to the Administration Building, Room 502, for dinner with members of the Social Services Board.

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

Reconvening:

12. INVOCATION

Reverend Linwood Carroll, Sr., Pastor of Amazing Grace World Fellowship, gave the invocation.

Mr. Stith introduced the Amazing Grace World Fellowship Choir, who performed two musical selections.

Mr. Stith recognized members of the Black History Month Committee who were present at the meeting.

13. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

Ms. Marilyn Cole, Assistant County Administrator, led the Pledge of Allegiance to the flag of the United States of America.

Ms. Dickson introduced Dr. Mike Etienne, Assistant Director of Planning for the School Board, who will be attending Board meetings on behalf of the School Administration and the School Board.

14. RESOLUTIONS

14.A. RECOGNIZING CARMAX ON ITS CONTINUED SELECTION AS ONE OF THE "100 BEST COMPANIES TO WORK FOR"

Mr. Kappel introduced Ms. Linda White, Location General Manager for the Midlothian CarMax, and Ms. Trina Lee with the Marketing Department of CarMax's corporate office, who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, CarMax is the largest used-car retailer in the United States; and

WHEREAS, this Fortune 500 company has been named "America's Most Admired Company in Automotive Retailing" by Fortune Magazine; and

WHEREAS, CarMax also has been named as one of the "100 Best Companies to Work For" in 2005, 2006 and 2007; and

WHEREAS, CarMax offers its employees a \$4,000 adoption benefit, a tuition-assistance program, a health-and-wellness

program and health insurance for domestic partners and their children; and

WHEREAS, in the 12-month period ending August 31, 2006, the company retailed 311,241 used cars; and

WHEREAS, CarMax also operates the CarMax Foundation, established in 2003; and

WHEREAS, the CarMax Foundation donates to various charities and causes in the communities where it operates; and

WHEREAS, in the company's 2006 Fiscal Year, CarMax donated more than \$1 million to charitable causes; and

WHEREAS, CarMax's donations have assisted food banks, animal shelters, Boys and Girls Clubs and other organizations through the company's charitable efforts; and

WHEREAS, CarMax is a company that provides needed goods and services while being a good corporate citizen; and

WHEREAS, Chesterfield County is proud to have a CarMax dealership located here.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 28th day of February 2007, congratulates CarMax on once again being named as "One of the 100 Best Companies to Work For," thanks CarMax for its civic-minded spirit, and extends best wishes to the company for continued success.

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

Mr. Sowder presented the executed resolution to Ms. White and Ms. Lee and congratulated CarMax on its outstanding accomplishments.

Ms. White expressed appreciation to the Board for the recognition.

**14.B. RECOGNIZING THE SHERATON PARK SOUTH HOTEL FOR ITS
OUTSTANDING ACCOMPLISHMENTS IN THE CUSTOMER SERVICE
ARENA**

Mr. Kappel introduced representatives of the Sheraton Park South Hotel, who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, desirable hotels help a region to build a reputation as a hospitable location for tourists, business people and other visitors; and

WHEREAS, today's hotels serve not only as a place for weary travelers to rest, but also as business centers, meeting places, dining facilities and locations for weddings, proms and a host of other social events important in our lives; and

WHEREAS, the Sheraton Park South Hotel is located at 9901 Midlothian Turnpike; and

WHEREAS, the hotel features 194 guest rooms, restaurants, swimming pools, ballrooms, meeting rooms and a host of other amenities; and

WHEREAS, the Sheraton Park South Hotel is one of 189 Sheraton hotels in the United States and Canada; and

WHEREAS, several times each year, all of these Sheraton hotels compete for the North American Guest Satisfaction Index Challenge Cup, which is awarded to the hotel with the highest customer service rankings based on periodic surveys of recent guests; and

WHEREAS, the Sheraton Park South Hotel is the current holder of the challenge cup, which was awarded for the October 2006 period; and

WHEREAS, this award reflects highly on the management and staff of the Sheraton Park South Hotel, and also on Chesterfield County and the Metro Richmond region.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, this 28th day of February 2007, publicly recognizes the Sheraton Park South Hotel for its outstanding accomplishments in the customer service arena, thanks the management and staff for their contributions to the overall business climate in the region, and extends best wishes for continued success.

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

Mr. Warren presented the executed resolution to Mr. Scott Jones, Food and Beverage Director, and congratulated the Sheraton Park South Hotel on its outstanding accomplishments.

Mr. Jones introduced Ms. Denise Walters, Reservations Manager, Mr. Maxwell Lambert, Head of Front Desk Services, and Chef Greg. He then expressed appreciation to the Board for the recognition.

**15. REQUESTS FOR MANUFACTURED HOME PERMITS AND REZONING
PLACED ON THE CONSENT AGENDA TO BE HEARD IN THE
FOLLOWING ORDER: - WITHDRAWALS/DEFERRALS - CASES WHERE
THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO
OPPOSITION - CASES WHERE THE APPLICANT DOES NOT ACCEPT
THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION
WILL BE HEARD AT SECTION 17**

06SN0339

In Matoaca Magisterial District, HULL STREET ASSOCIATES, LLC AND MICHAEL DZAMAN, MANAGING MEMBER request rezoning and amendment of zoning district map from Agricultural (A) to Residential Townhouse (R-TH) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 8.0 units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for mixed use

corridor use. This request lies on 15.9 acres fronting approximately 650 feet on the south line of Hull Street Road approximately 2,330 feet west of Otterdale Road, also fronting approximately 250 feet on the north line of Hampton Park Drive. Tax IDs 710-668-3301 and 6409.

Mr. Turner stated Mrs. Humphrey is requesting that Case 06SN0339 be remanded to the Planning Commission.

Mr. William Shewmake, representing the applicant, stated he is in agreement with remanding the case to the Planning Commission.

Mr. Miller called for public comment.

No one came forward to speak to the remand request.

Mrs. Humphrey stated some of the transportation language changed after the Planning Commission heard the case, and she feels they should have an opportunity to review it and provide a recommendation based on the current proffered conditions.

Mrs. Humphrey then made a motion, seconded by Mr. King, for the Board to remand Case 06SN0339 to the Planning Commission.

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

06SN0335

In Matoaca Magisterial District, GREENACRES LIMITED PARTNERSHIP requests rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-25). Residential use of up to 1.74 units per acre is permitted in a Residential (R-25) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies on 53.7 acres lying at the southeastern terminus of Buncrana Lane approximately 230 feet southeast of Derryveach Drive. Tax ID 734-658-8633.

Mr. Turner stated Mrs. Humphrey has requested that Case 06SN0335 be remanded to the Planning Commission.

Mr. Jeff Collins, representing the applicant, stated he is in agreement with remanding the case to the Planning Commission.

Mr. Miller called for public comment.

No one came forward to speak to the remand request.

Mrs. Humphrey stated an amendment relative to transportation has been made since the Planning Commission recommended denial of this request, indicating that that she feels it would be in the county's best interest for the Commission to review the amended request before it comes to the Board.

Mrs. Humphrey then made a motion, seconded by Mr. Miller, for the Board to remand Case 06SN0335 to the Planning Commission.

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

07SN0134 (Amended)

In Bermuda Magisterial District, SECOND FORTUNE, LLC requests rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3) and Corporate Office (O-2) and from Community Business (C-3) to Corporate Office (O-2), plus proffered conditions on an adjacent parcel currently zoned Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for neighborhood mixed use. This request lies on 4.1 acres fronting approximately 440 feet on the southeast line of Meadowville Road approximately 530 feet north of West Hundred Road; also fronting approximately 200 feet on the north line of East Hundred Road approximately 400 feet east of Meadowville Road. Tax IDs 814-652-5387 and 814-653-4407, 5807, 6613, 7317 and 7920.

Mr. Turner stated the applicant is requesting that the Board remand Case 07SN0134 to the Planning Commission.

Mr. Dean Hawkins, representing the applicant, stated additional parcels have been added to the request, and the applicant feels it would be in the best interest to remand the case to the Planning Commission prior to the Board's consideration.

Mr. Miller called for public comment.

No one came forward to speak to the remand request.

On motion of Mr. King, seconded by Mr. Sowder, the Board remanded Case 07SN0134 to the Planning Commission.

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

06SN0337

In Bermuda Magisterial District, NEAL O. AND ROSEMARY HAGER request Conditional Use and amendment of zoning district map to permit a bed and breakfast and special events business incidental to a dwelling unit. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51 to 4.0 units per acre. This request lies in an Agricultural (A) District on 9.1 acres fronting approximately 160 feet on the north line of Happy Hill Road across from Tarris Lane. Tax IDs 794-644-2068 and 4162.

Mr. Turner stated the applicant is requesting a deferral until April 25, 2007.

Mr. King stated the outcome of this zoning case could potentially and directly impact a financial interest that he has in his personal business. He then declared a conflict under the Virginia Conflict of Interest Act and excused himself from the meeting.

Mr. Brennen Keene requested a deferral of Case 06SN0337 until April 25, 2007.

Mr. Miller called for public comment.

Mr. Brian Schakel, a resident of the Villages of Long Meadow, stated the Planning Commission first heard this request in September 2006. He further stated he would rather see the case considered by the Board tonight than being deferred.

Approximately ten residents of the Villages of Long Meadow stood in opposition to the deferral.

Mr. Bernhard Born, a resident of the Villages of Long Meadow, stated he does not support the deferral because the residents have already met with the applicants twice and the entire process has been drawn out since September 2006.

Mr. Pete Jones, a resident of the Villages of Long Meadow, stated he just received a letter today from the applicants' representative indicating that new proffered conditions were being submitted. He further stated, in his opinion, the applicants have no intent of abiding by the proffered conditions, and he opposes the deferral.

Mr. Freddie Carrabotta, a resident of Ramsey Drive, stated he thinks the Board should consider the Planning Commission's recommendation and deny the request.

There being no one else to speak to the deferral, the public hearing was closed.

Mr. Miller stated he has agreed to handle this case in Mr. King's absence. He further stated he has heard comments from both the applicants and the citizens and has met with the applicants in an attempt to learn more about the case. He stated he sees no harm in allowing the applicants additional time to attempt to resolve differences with the citizens.

Mr. Miller then made a motion, seconded by Mrs. Humphrey, for the Board to defer Case 06SN0337 until April 25, 2007.

Ayes: Miller, Humphrey, Sowder and Warren.

Nays: None.

Absent: King.

Mr. King returned to the meeting.

07SN0210

In Bermuda Magisterial District, RICHARD M. ALLEN requests amendment of Conditional Use Planned Development (Case 87S090) and amendment of zoning district map relative to hours of operation. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use uses. This request lies in a Neighborhood Business (C-2) District on 12.2 acres fronting approximately 760 feet on the north line of Iron Bridge Road, also fronting approximately 720 feet on the east line of Chalkley Road and located in the northeast quadrant of the

intersection of these roads. Tax IDs 779-653-7767 and 780-654-Part of 0821.

Mr. Turner stated the Planning Commission deferred Case 07SN0210 until its May 15, 2007 meeting; therefore, staff is requesting that the Board defer Case 07SN0210 until May 23, 2007.

Mr. Miller called for public comment.

No one came forward to speak to the deferral.

On motion of Mr. King, seconded by Mr. Warren, the Board deferred Case 07SN0210 until May 23, 2007.

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

07SN0201

In Matoaca Magisterial District, MATTHEW J. HAMILTON, JR. requests rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-88). Residential use of up to 0.50 unit per acre is permitted in a Residential (R-88) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies on 68.1 acres lying approximately 620 feet off the north line of Hickory Road approximately 2,970 feet east of River Road. Tax ID 757-625-Part of 4630.

Mr. Turner presented a summary of Case 07SN0201 and stated the Planning Commission and staff recommended approval and acceptance of the proffered conditions.

Mr. Matthew Hamilton stated the recommendation is acceptable.

Mr. Miller called for public comment.

No one came forward to speak to the request.

On motion of Mrs. Humphrey, seconded by Mr. Sowder, the Board approved Case 07SN0201 and accepted the following proffered conditions:

1. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield, prior to the issuance of a building permit, for infrastructure improvements within the service district for the property:
 - a. \$15,600 per dwelling unit, if paid prior to July 1, 2007; or the amount approved by the Board of Supervisors not to exceed \$15,600 per dwelling unit adjusted upward by any increase in the Marshall and Swift building cost index between July 1, 2006, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2007.
 - b. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. (B&M)

2. The maximum density of this development shall not exceed seventeen (17) lots. (P)
3. Manufactured homes shall not be permitted. (P)
4. The minimum gross floor area for one story dwelling units shall be 1800 square feet and dwelling units with more than one story shall have a minimum gross floor area of 2000 square feet. (P)
5. All exposed portions of the foundation of each new dwelling unit shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer. (BI&P)
6. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
7. At a minimum the following restrictive covenants shall be recorded in conjunction with the recordation of any subdivision plat:
 - a. No lots shall be used except for single-family residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single-family dwelling not to exceed three stories in height and one private garage.
 - b. Only one residence shall be erected or placed on a single lot, and no lot shall, after its original conveyance, be subdivided into smaller lots or parcels. No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other outbuilding shall be used on any lot at any time as a residence either temporarily or permanently.
 - c. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereof which may become an annoyance or nuisance to the neighborhood.
 - d. No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage, or other waste. Nor shall any of the above be kept on any lot except in sanitary containers.
 - e. No animals, livestock, or poultry of any kind, shall be raised, bred, or kept on any lot except that dogs, cats, or other household pets may be kept therein if they are not kept, bred, or maintained for any commercial purpose, and in accordance with the applicable ordinances.
 - f. No sign of any kind shall be displayed to the public view on any lot except one sign of not more than six square feet advertising the property for

sale or rent, unless approved by the Architectural Control Committee in writing.

- g. All property shall be maintained free of tall grass, undergrowth, dead trees, weeds, and trash, and generally free of any condition that would decrease the attractiveness of the property.
- h. No trailer having a height of five feet or more shall be parked over 12 hours in any one week on any property or driveway so as to be visible from the street. No motor vehicle shall be parked over 12 hours in any one week on any property without having a current Virginia State license tag, unless such vehicle is parked in an enclosed garage.
- i. The exterior of all houses and other structures must be completed within one year after the construction of same shall have commenced, except where such completion is impossible or would result in great hardship to the owner or builder due to strikes, fires, national emergency or natural calamities. Houses may not be temporarily or permanently occupied until the exteriors thereof have been completed. During the continuance of construction, the owner of the parcel shall require the contractor to maintain the lot in a reasonably clean and uncluttered condition.
- j. An Architectural Control Committee (herein called "Committee") originally composed of Matthew J. Hamilton and Tammy D. Hamilton is hereby established. Either member of the Committee may act on behalf of the Committee without holding a meeting of the full Committee or giving notice to the other members. The Committee together with the written consent of the property owners may amend, modify, or waive, in writing any of the restrictions. The members of the Committee shall receive no compensation. At any time, the then recorded owners of eighty percent of the property shall have the power through a duly recorded written instrument to change membership of the Committee or to withdraw from the membership of the Committee or to restore any of its powers and duties.
- k. No improvement shall be erected, placed or altered on any lot until the construction plan thereof, and a plan showing the location of the said improvements shall be submitted to and approved by the Architectural Control Committee. No construction on said improvements shall commence until the said plans and location of said improvements shall have been approved by the Committee in writing. The Committee reserves the right to request such information and data; such as, quality of workmanship and materials, type of construction, harmony of exterior design with existing structures and location with respect to topography and finished grade elevation, as may be necessary to make said determination. Prior to the commencement of any improvements, written approval

may be withdrawn at any time by the Committee by giving written notice to said party of its withdrawal of said approval. The Committee approval as required above shall be in writing and, in the absence of such written approval, construction plans and location plans shall be considered as disapproved. The building location on all lots shall be within the applicable county zoning ordinance, and at the discretion of the Committee.

- l. Approval by the Committee shall not constitute a basis for liability of the member or members of the Committee, the Committee or the owner for any reason including without limitation; (i) failure of the plans to conform to any applicable building code; or (ii) inadequacy or deficiency in the plans resulting in defects in the improvements.
- m. The ground floor area of any single-family residence erected on any of the lots shall not be less than 1,800 square feet for a single-story residence, not less than 2,000 square feet for any one and one-half story or two story residence. Attached covered porches, covered stoops, breezeways, and garage shall not be included in computing said square footage.
- n. The foundation of all single-family residences on any lot shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer.
- o. All single-family residences shall conform to a Colonial or Traditional Architectural style. No prefabricated single-family residences shall be erected on any lot.
- p. No fences shall be permitted between the single-family residences and the street line. Split-rail fences or other wooden fences may be built between the rear of the house and the rear lot line. The split-rail fence may be backed with wire to provide animal retention.
- q. Easements for installation and maintenance of utilities and drainage are reserved as shown on the said subdivision plat.
- r. Except as otherwise provided by applicable law and unless approved by the Committee, no antenna, aerial, or device shall be erected or placed on any property, house, or garage, or other outbuilding other than the normal antennas, aerial or device necessary to facilitate the reception of television signals, and/or radio signals, normally incident to the radio and television receivers normally used in the home. Satellite dish type television antennas are specifically prohibited unless specifically approved in writing by the Committee and as otherwise provided by applicable law. (P)

s. Each and every covenant, condition, and easement herein imposed may be enforced by the undersigned or by the owner of any lot by appropriate proceedings at law or in equity against any party violating or attempting or threatening to violate the same.

t. Manufactured Homes shall not be permitted. (P)

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

07SN0207

In Clover Hill Magisterial District, MICHAEL WOODY requests rezoning and amendment of zoning district map from Residential (R-15) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 1.9 acres fronting approximately 300 feet on the south line of West Providence Road, also fronting approximately 290 feet on the west line of Grey Oak Drive and located in the southwest quadrant of the intersection of these roads. Tax ID 749-692-7580.

Mr. Turner presented a summary of Case 07SN0207 and stated the Planning Commission and staff recommended approval and acceptance of the proffered conditions.

Mr. Andy Scherzer, representing the applicant, stated the recommendation is acceptable.

Mr. Miller called for public comment.

No one came forward to speak to the request.

On motion of Mr. Warren, seconded by Mr. King, the Board approved Case 07SN0207 and accepted the following proffered conditions:

1. The public wastewater system shall be used. (U)
2. The applicant, subdivider, or assignee(s) shall pay the following, for infrastructure improvements within the service district for the property, to the county of Chesterfield prior to the issuance of building permit:
 - A. \$15,600.00 per dwelling unit, if paid prior to July 1, 2007; or
 - B. The amount approved by the Board of Supervisors not to exceed \$15,600.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift building cost index between July 1, 2006, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2007.
 - C. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. (B&M)

3. Development shall be limited to four (4) lots. (P)
4. Manufactured homes shall not be permitted. (P)
5. The minimum lot size shall be 15,000 square feet. (P)
6. The minimum gross floor area for dwelling units shall be 2000 square feet. (P)
7. All exposed portions of the foundation of each new dwelling unit shall be faced with brick, decorative masonry or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer. (BI & P)
8. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
9. Other than one (1) private driveway, there shall be no direct vehicular access from the property to West Providence Road. (T)
10. In conjunction with recordation of the initial subdivision plat, forty-five (45) feet of right-of-way along the south side of Providence Road, measured from the centerline of that part of the roadway immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
11. To provide an adequate roadway system, the developer shall be responsible for the following improvements to be completed in conjunction with the initial development:
 - A. Widening/improving the north side of Providence Road to an eleven (11) foot wide travel lane, measured from the existing centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, and overlaying the full width of the road with one and one-half (1½) inch of compacted bituminous asphalt concrete, with any modifications approved by the Transportation Department, for the entire property frontage.
 - B. Dedication to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire any "off-site" right-of-way that is necessary for any improvement described in proffer condition 11, the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall

be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way as determined by the Transportation Department. (T)

12. A solid board on board fence, a minimum of six (6) feet in height, shall be installed along the southern property line and shall extend from the front line of the building located on the lot adjacent to Tax ID 749-692-8363 to the rear property corner of Tax ID 749-692-8363. The exact design and treatment of the fence shall be consistent with the existing fence located on Tax ID 749-692-8363 as determined by the Planning Department at the time of tentative subdivision plan review. (P)

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

07SN0230

In Bermuda Magisterial District, DAVID L. AND JACALYN M. ATKINSON request rezoning and amendment of zoning district map from Agricultural (A) to Heavy Industrial (I-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial use. This request lies on 18.2 acres fronting approximately 840 feet on the east line of Old Stage Road approximately 2,100 feet north of West Hundred Road. Tax IDs 803-656-4879 and 804-657-4017.

Mr. Turner presented a summary of Case 07SN0230 and stated the Planning Commission and staff recommended approval and acceptance of the proffered conditions.

Mr. Richard Minter, representing the applicant, stated the recommendation is acceptable.

Mr. King inquired why the applicants are requesting Heavy Industrial zoning.

Mr. Minter stated the applicants own an adjoining piece of property and want to combine their developments.

Mr. King stated he was contacted by an adjacent property owner who was concerned about a buffer between his property and the subject property and the possibility of an asphalt plant being constructed as a result of the Heavy Industrial zoning. He further stated Old Stage Road is a historical road leading to Henricus Park, and he would like to protect the environment and aesthetics of this area.

Mr. Minter stated the property owner might need Heavy Industrial zoning if he were to expand his business.

In response to Board members' questions, Mr. Turner stated the adjacent property to the south is zoned Agricultural, but the land use plan would suggest it would be appropriate for industrial uses; therefore, the zoning ordinance would not require a buffer in this instance. He further stated the land use plan recommendation is for general industrial. He

stated the applicant has not proffered a buffer, but the Board could impose one.

Mr. King stated he was just informed of the adjacent property owners' issues today. He further stated this is an aesthetically sensitive area, and he would prefer to have an additional 30 days to study the case.

Mr. Miller called for public comment.

Mr. David Atkinson, owner of the subject property, stated he would prefer that the Board move forward with this request. He further stated he met with the adjoining property owner, Mr. Leimberger, and informed him that he has no intentions of moving his buffer. He stated he has been operating his business under a special use permit and now needs to relocate his business.

In response to Mr. King's question, Mr. Atkinson stated he does not plan to use the subject property for an asphalt producing plant and would be willing to submit a proffered condition to that effect.

Mr. Micas stated the Board must defer the request for 30 days to accept a new proffered condition.

After brief discussion relative to the budget public hearing scheduled for March 28th, Mr. King made a motion, seconded by Mr. Sowder, for the Board to defer Case 07SN0230 until March 28, 2007.

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

07SR0259

In Bermuda Magisterial District, RICHARD A. MOORE requests renewal of temporary manufactured home permit 99SR0301 to park a temporary manufactured home in a Residential (R-7) District. The density of this proposal is approximately 2.25 units per acre. The Comprehensive Plan suggests the property is appropriate for residential use of 7.01-10 units per acre. This property is known as 2527 Dwight Avenue. Tax ID 792-676-3347.

Mr. Turner presented a summary of Case 07SR0259 and stated staff recommends approval subject to conditions.

Mr. Richard Moore stated the recommendation is acceptable.

Mr. Miller called for public comment.

No one came forward to speak to the request.

On motion of Mr. King, seconded by Mr. Warren, the Board approved Case 07SR0259, subject to the following conditions:

1. The applicant shall be the owner and occupant of the temporary manufactured home. (P)

2. This temporary manufactured home permit shall be granted for a period not to exceed seven (7) years from date of approval. (P)
3. This parcel may not be rented or leased for use as a temporary manufactured home site nor shall this temporary manufactured home be used for rental property. (P)
4. No additional permanent type living space may be added onto this temporary manufactured home. (P)
5. This temporary manufactured home must be skirted and may not be placed on a permanent foundation. (P)

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

07SN0166

In Dale Magisterial District, G & E ENTERPRISES requests rezoning and amendment of zoning district map from Neighborhood Business (C-2) and Corporate Office (O-2) to Community Business (C-3) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office and residential use of various densities. This request lies on .6 acre lying approximately twenty (20) feet off the east line of Hopkins Road approximately 300 feet south of Meadowdale Boulevard. Tax ID 781-684-1434.

Ms. Beverly Rogers presented a summary of Case 07SN0166 and stated since the Planning Commission's consideration of the request, the applicant has reduced the amount of parking exception being requested to one space for each 200 square feet of restaurant use. She further stated an additional proffered condition was submitted to address architectural treatment. She noted that an adjacent property owner was present at the Planning Commission meeting expressing concerns that the parking exception may result in patrons utilizing his property for parking. She stated there is an easement that exists to the subject property to allow the use of excess spaces on that adjacent property; however, it is not currently zoned to permit the proposed uses and therefore, staff is unable to count those spaces towards the parking requirement for the proposed use. She further stated the Planning Commission recommended approval subject to one condition and acceptance of three proffered conditions. She stated staff recommended denial because the proposed restaurant uses do not conform to the Central Area Plan, and the requested parking exception could result in a parking space shortage.

Discussion ensued relative to the parking exception proposal considered by the Planning Commission, the current parking exception proposal, and utilization of the easement for parking for the proposed use.

Mr. William Shewmake, representing the applicant, stated Cross Roads Coffee and Ice Cream has been looking for a space

in Chesterfield County and is excited about being able to serve the Hopkins Road community. He further stated this type of business would be a tremendous addition to the area and would also spur office development. He stated the applicant has reduced the parking exception requirement and also addressed architectural issues. He requested the Board's approval of the proposal.

Mr. Miller called for public comment.

No one came forward to speak to the request.

Mr. Miller stated, although the case is troublesome because of parking limitations, he thinks it will be a welcome addition to this area of the Dale District. He further stated the land has been vacant for some time and is adjacent to a fast-food restaurant. He stated he agrees with Mr. Shewmake that the business might encourage other office development in the area.

Mr. Miller then made a motion, seconded by Mr. King, for the Board to suspend its rules at this time to allow for the amended condition and the additional proffered condition.

Mr. Miller made a motion, seconded by Mrs. Humphrey, for the Board to approve Case 07SN0166 subject to one condition and acceptance of the proffered conditions.

Mrs. Humphrey stated she feels this is a perfect business for this location and will be a good investment for the Meadowbrook community.

Mr. Miller called for a vote on his motion, seconded by Mrs. Humphrey, for the Board to approve Case 07SN0166 subject to the following condition:

The Textual Statement dated February 16, 2007 shall be considered the master plan. (P)

And, further, the Board accepted the following proffered conditions:

1. Uses. Uses shall be limited to those uses permitted by right or with restrictions in the Neighborhood Office (O-1) District plus restaurant uses, to include fast food restaurants without drive-in windows. (P)
2. Stormwater Retention. The developer will retain the ten year post-development runoff on site and release at the two year pre-development rate. (EE)
3. Direct vehicular access to Hopkins Road shall be limited to one entrance/exit. The exact location of this entrance/exit shall be approved by the Transportation Department. Prior to any site plan approval, an access easement, acceptable to the Transportation Department, shall be recorded from Hopkins Road to the adjacent property to the north. (T)
4. Architectural Treatment. Development shall be limited to a maximum of one building not to exceed 2000 gross square feet. The architectural treatment shall have a residential character and the facades shall be

constructed primarily of brick. This shall not preclude the use of glass windows; however, the windows shall blend with the residential architectural character. The exact treatment shall be approved by the Planning Commission. (P)

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

06SN0344

In Midlothian Magisterial District, JMS INVESTMENTS LLC requests rezoning and amendment of zoning district map from Agricultural (A) and Corporate Office (O-2) to Neighborhood Business (C-2). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 1.6 acres fronting approximately 150 feet on the south line of Midlothian Turnpike, also fronting approximately 610 feet on the west line of County Line Road and located in the southwest quadrant of the intersection of these roads. Tax ID 705-708-2447.

Ms. Rogers presented a summary of Case 06SN0344 and stated the subject property was originally thought to be in Powhatan County. She further stated an adjustment was made to the county boundary line in 1995, and it was determined that a portion of the property was actually located in Chesterfield. She stated the Planning Commission unanimously recommended approval of the rezoning request and acceptance of the proffered conditions. She further stated staff recommended denial because the application fails to adequately address transportation impacts.

Mr. Andy Scherzer, representing the applicant, stated the applicant has worked with the Planning Commission and neighbors to provide additional proffered conditions, to protect the integrity of the area. He requested the Board's approval of the proposal.

Mr. Miller called for public comment.

No one came forward to speak to the request.

Mr. Sowder stated this is a very unique case, with the county line going right through the center of the existing bank building. He further stated the proffered conditions have been substantially increased to address transportation issues. He stated he feels the proposal is a very good compromise, and there is a need for additional commercial development in this area.

Mr. Sowder then made a motion, seconded by Mr. King, for the Board to approve Case 06SN0344 and accept the following proffered conditions:

1. Uses shall be restricted to those permitted by right or with restrictions in the Corporate Office (O-2) District. Provided, however, Neighborhood Business (C-2) uses shall be permitted within the structure shown on the plan dated December 29, 2006, prepared by Balzer and

Associates, Inc. (Plan), to include use of the existing parking and access both of which are shown on the Plan to serve the uses within the building shown on the Plan. Should the structure be removed; damaged such that the estimated reconstruction cost, exclusive of foundation, exceeds fifty percent of its assessed value per county records; or expanded beyond a cumulative area of 3,800 gross square feet, which includes any expansion that may occur within Powhatan County, uses shall be restricted to those permitted by right or with restrictions in the O-2 District. (P)

2. A maximum of eight (8) parking spaces associated with any Neighborhood Business (C-2) uses located adjacent to and west of the subject property within Powhatan County, such property being identified on the Plan, shall be permitted on the subject property provided they are located behind the rear line of the existing structure. Should the existing structure be removed, such parking shall be located no closer than eighty (80) feet from the ultimate right-of-way of Midlothian Turnpike. (P)
3. Prior to, or in conjunction with, 1) construction of any new structures, 2) expansion of the structure identified on the Plan beyond a cumulative area of 3,800 gross square feet, which includes any expansion that may occur within Powhatan County, or 3) construction of any parking or access other than that shown on the Plan, the following shall be accomplished:
 - A. The 0.45 phosphorus runoff standard shall be achieved on site through BMP's or other measures. (EE)
 - B. Freestanding light fixtures shall not exceed a height of fifteen (15) feet measured from the top of curb. (P)
 - C. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
 - D. The public water and wastewater systems shall be utilized for all structures. (U)
 - E. Access.
 - i. Direct vehicular access from the property to County Line Road shall be limited to one entrance/exit. The exact location of this access shall be approved by the Transportation Department.
 - ii. There shall be no direct vehicular access from the property to Route 60. (T)
 - F. To provide an adequate roadway system, the developer shall be responsible for the following improvements:

- i. Prior to site plan approval, a maximum forty-five (45) feet of right-of-way along the west side of County Line Road, measured from the centerline of that part of the roadway immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County.
 - ii. Construction of an additional lane of pavement along Route 60 for the entire property frontage.
 - iii. Construction of additional pavement along County Line Road at the approved access to provide left and right turn lanes, if warranted, based on Transportation Department standards.
 - iv. Widening/improving the west side of County Line Road to an eleven (11) foot wide travel lane, measured from the existing centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, and overlaying the full width of the road with one and a half (1.5) inch of compacted bituminous asphalt concrete, with any modifications approved by the Transportation Department, for the entire property frontage.
 - v. Closing the existing access to Route 60 and County Line Road, and
 - vi. Dedication to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire any "off-site" right-of-way that is necessary for any improvement described in Proffered Condition 3.F. the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way, as determined by the Transportation Department. In this event, the road improvements may differ from those identified above because of limited right-of-way. (T)
- G. Prior to any site plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 3.F, shall be submitted to and approved by the Transportation Department. (T)

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

16. PUBLIC HEARINGS

There were no public hearings at this time.

17. REMAINING MANUFACTURED HOME PERMITS AND ZONING REQUESTS

There were no remaining requests for manufactured home permits or zoning at this time.

18. FIFTEEN-MINUTE CITIZEN COMMENT PERIOD ON UNSCHEDULED MATTERS

Mr. C. L. Morrisette briefly addressed the Board relative to a sign on his property.

Mr. King stated Mr. Dick Page has inquired about the status of the county's agreement with VDOT for the removal of illegal signs in road right of ways.

Assistant County Attorney Tara McGee stated, since staff submitted the agreement to the state, an Interim Commissioner of VDOT has been appointed; therefore, staff was requested to re-submit the agreement with the new Commissioner's name. She further stated the agreement has been re-submitted to VDOT, and staff will follow up on the status of the agreement this week. She stated a team has been working towards providing training and information for volunteers, so that the program can begin once the agreement has been received.

Mrs. Humphrey recognized Mr. Mike Garrity, Channel 12 news reporter, who was present at the meeting. She thanked him for his service to the residents of the region and congratulated him on his new position in St. Louis.

Mr. Garrity stated it has been a privilege to cover Chesterfield County during this point in history, and he hopes his reports have contributed to making the county a better place. He introduced Ms. Beth Danziger, who will replace him as the news reporter for Chesterfield County.

19. ADJOURNMENT

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board adjourned at 8:06 p.m. until March 12, 2007 at 5:00 p.m. for dinner, followed by budget presentations at 6:00 p.m.

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

Lane B. Ramsey
County Administrator

Kelly E. Miller
Chairman